



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,674	12/30/1999	ARI AARNIO	4925-18	8134

7590 05/30/2003

MICHAEL C STUART ESQ
COHEN PONTANI LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

BROWN, TIMOTHY M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/476,674	Applicant(s) AARNIO, ARI	
	Examiner Tim Brown	Art Unit 3625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 5 ay 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-21

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: PTO-892 (attached)


Jeffrey A. Smith
Primary Examiner

JP 5-28-03

Continuation of 2. NOTE: The proposed amendment introduces new issues that would require further consideration and an extended prior art search.

Continuation of 5. does NOT place the application in condition for allowance because: Applicants' arguments are not persuasive. For example, by their present amendment, Applicants argue the rejection of claim 1 under 35 U.S.C. §103(a) is improper because the combined references fail to teach an Internet subscription server, and a mobile terminal located on a cellular telephone network. subscribing for a service via an Internet server. However, this argument relies upon features (i.e. an Internet server and a cellular telephone network) that have been introduced by Applicants' present amendment (Paper No. 7). As discussed under item 2(d) above, Applicants' amendment has not been entered. Applicants' reliance on features that are not included in the claims can not overcome the rejection of claim 1. Therefore, Applicants' arguments fail to overcome the rejection of the claim 1. Because Applicants' arguments fail to overcome the rejection of claim 1, the application has not been placed in condition for allowance.

In support of the Official Notice taken in the Final Office Action, the Examiner offers the following references. Trachtenberg (Trachteberg, J.A. "Here We Go Again" Forbes, Vol. 136, no. 108 (August 26, 1985)) and a PR Newswire Article ("Viewer's Choice to begin on Nove. 27" PR Newswire (November 26, 1985)) are offered for their teaching of offering and purchasing pay-per-view programming. Kirsch (US 5,963,915) is offered for its disclosure of establishing a client purchasing account on a merchant server. Col. 12, lines 55-67; and col. 13, lines 1-52. An article from Business Wire (Ericsson Supports Broad Range of WAP-Applications" Business Wire (Jun 23, 1999)) and an article from Multimedia Week ("Hand-Held Devices Ripe for Limited Web Purchasing" Multimedia Week, Vol. 8, no. 22 (June 7, 1999)) have been offered for their teaching of utilizing wireless PDAs for the performance of online transactions. Finally, Horstmann (US 6,009,401) has been cited for its teaching of returning a downloadable product when a user indicates a desire not to purchase the product.